



**THE ATTORNEY GENERAL  
OF TEXAS**

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AUSTIN, TEXAS 78711

June 25, 1970

Honorable John W. Warner  
County Attorney  
Gray County  
P. O. Box 635  
Pampa, Texas

Opinion No. M-654

Re: Whether a county is required  
to furnish office space for  
the Home Demonstration Agent  
and the County Farm Agent.

Dear Mr. Warner:

Your request for an opinion asks whether Gray County is required to furnish office space for the Home Demonstration Agent and the County Farm Agent.

We have not been cited to any statute nor have we found any statute which requires the county commissioners court to furnish office space for the above named agents. The statutes which control the answer to your question are Article 164, Vernon's Civil Statutes, and Section 1 of Article 2372e-2, Vernon's Civil Statutes. Article 164 provides:

"The Commissioner's Court of any county of this State is authorized to establish and conduct co-operative demonstration work in agriculture and home economics in co-operation with the Agricultural and Mechanical College of Texas, upon such terms and conditions as may be agreed upon by the Commissioners' Court and the agents of the Agricultural and Mechanical College of Texas; and may employ such means, and may appropriate and expend such sums of money as may be necessary to effectively establish and carry on such demonstration work in Agriculture and Home Economics in their respective counties."  
(Emphasis added.)

Section 1 of Article 2372e-2, Vernon's Civil Statutes, provides:

"The County Commissioners Courts and the City Commission of any incorporated town or

city of this State are hereby authorized to lease, rent, or provide office space for the purpose of aiding and co-operating with the agencies of the State and Federal Governments engaged in the administration of relief to the unemployed or needy people of the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas, and water; and when in the opinion of a majority of a Commissioners Court of a county such office space is essential to the proper administration of such agencies of either the State or Federal Governments, said Court is hereby specifically authorized to pay for same and for the regular monthly utility bills for such offices out of the County's General Fund by warrants as in the payment of such other obligations of the county." (Emphasis added.)

In construing the provisions of Article 2372e-2, this office concluded in Attorney General's Opinion O-1928 (1940) that:

"It is our opinion that such article fully authorizes the commissioners' court to make the expenditures inquired about, if a majority of the membership thereof has concluded the necessity therefor, even though the office space so furnished, might result in benefits to be derived to the needy of adjoining counties." (Emphasis added.)

Furthermore, this office concluded in Attorney General's Opinion V-1272 (1951) that the question of "necessity" of expenditure of county funds for the purpose of providing telephone service, office supplies and equipment and long distance telephone tolls for offices of the County Agricultural Agent and the County Home Demonstration Agent was left to the discretion of the commissioners court. We quote the following from Attorney General's Opinion V-1272 (1951):

"This office has held that Article 164 provides authority for the expenditure of county funds for the erection of a building to house the County Agricultural Agent and the Home Demonstration Agent. Att'y. Gen.Op. O-2516 (1940). We have also held that the same statute authorizes the expenditure of county

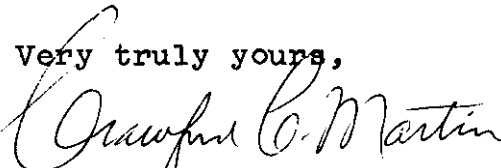
funds for the purchase of kitchen equipment to be used by the home demonstration agent. Att'y Gen. Op. 0-620 (1939). In view of the foregoing, it is our opinion that authority exists for the payment of telephone service, office supplies and equipment, and long distance tolls for the offices of the County Agricultural Agent and the County Home Demonstration Agent. However, the expenditure of County funds for such purpose and the necessity therefor is left to the discretion of the Commissioners' Court of Ellis County. Att'y Gen. Op. 0-620 (1939)." (Emphasis added.)

In view of the foregoing we conclude that whether office space is furnished by the county for the Home Demonstration Agent and the County Farm Agent is left to the discretion of the commissioners court. Therefore, in answer to your question you are advised that the commissioners court is authorized, but not required, to furnish office space for the Home Demonstration Agent and the County Farm Agent. This opinion assumes that Gray County has not entered into outstanding contractual obligations pursuant to the above quoted statutes, whereby Gray County has agreed to furnish office space for such agents.

#### S U M M A R Y

The Legislature has left to the commissioners court to determine whether office space should be furnished by the county for the Home Demonstration Agent and the County Farm Agent. In the absence of outstanding contractual obligations the commissioners court is not required to furnish office space for such agencies, but the commissioners court is authorized to furnish such office space under the provisions of Article 164 and Article 2372e-2, Vernon's Civil Statutes.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by John Reeves  
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APPROVED:  
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